

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare – East Godavari District – Revision Petition filed Under Section 6 of A.P.S.A.L.T.R. 1959, by Sri N. Seetharamayya and 4 others R/o Molleru (V) Gangavaram (M), against the orders of the Agent to Government, East Godavari in CMA No.23/99. dt:28-7-2001 – Dismissed – Orders – Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.Ms. No. 223

Dated:21-11-2008.

Read the following:

1. From Sri K.L.N. Swamy, Counsel for the petitioner in Revision Petition Dt.23-9-2002.
2. Govt. Memo No. & Letter No.14359/LTR2/2002-1 and 2, dt:18-10-2002.
3. From Hon'ble High Court of Andhra Pradesh in W.P No.19436/2002 dt:04-10-2002.
4. From the Project Officer, ITDA, Rampachodavaram R.C No.T8/65/2003 dt:1-2-2003.
5. Government Memo No. & Letter No.14359/LTR-2/2002, dt:22-8-2003, 28-8-03, 26-9-03, 28-10-03, 6-1-2004, 27-2-04, 20-5-04, 25-8-04, 25-2-2005, 11-3-05, 1-4-05, 24-3-05, 3-4-2007 and 16-6-2007.
6. Government Telegram No.14359/LTR2/2002, dt:24-3-2007.

ORDER:

In the reference 1st read above Sri N. Seetharamayya has filed a Revision Petition before the Government against the orders of the Agent to Government in CMA No.23/99 dated:28-7-2001 in respect of lands admeasuring Acres 3.00 cents in Sy.No.22 of Molleru (V) Gangavaram (M), East Godavari District. The main grounds of the appellant in the Revision Petition among others are:

- i. The transaction was between non-tribals only and took place before amended Regulation 1/70 came into force, as such it is not a violation.
- ii. Agent to Government, East Godavari District rejected the sale deed dated:22-4-1969 by which a transfer of scheduled land has taken place between two non-tribals, solely on the ground that the document is unregistered sale deed.
- iii. The lands were never in possession of tribals since 1920.

2. The brief history of the case is that the case was initiated on the complaint failed by Special Deputy Tahasildar, Gangavaram (M) under section 3 of Andhra Pradesh Scheduled Areas Land Transfer Regulation, Act 1/1959. The Special Deputy Collector (TW), Rampachodavaram held that as the transfer of land took place after 3-2-1970 in favour of the Sri N. Seetharamayya and Sri N. Katama Swamy failed to explain how the transfer of land had taken place in their favour. The Special Deputy Collector (TW), further held that there is violation of the provisions of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/1959 as amended by Regulation 1/70. In exercise of powers conferred by Section 3 of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/1959 as amended by Regulation 1/70, the Special Deputy Collector (TW), Rampachodavaram ordered for ejectment of Sri. N.Katamaswamy (Respondent No.2), in possession of the schedule property and to restore it to the Government for assignment to the Land less poor Tribals as per rules in vogue vide LTRP No.278/97, dt:28-4-1999. Aggrieved by the order of the Special Deputy Collector (TW), Rampachodavaram Sri N. Seetharamayya & others filed an appeal before the Agent to Government. The Agent to Government, Rampachodavaram after perusal of the records and hearing the arguments of both the Advocates held that the transaction took place between two Non-tribals on 22-4-1969 by an unregistered sale deed, that the said suit document transferred from a Non-Tribal on 22-4-1969 which is not covered by Un-registered sale deed cannot be accepted. The Agent to Government dismissed the appeal vide CMA No.23/99, dated:28-7-2001.

3. In the reference 2nd read above the Agent to Government, Rampachodavaram was requested to furnish para-wise remarks and case records and the same were furnished in the reference 4th read above. After examination the case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 25-8-2003, 22-9-03, 20-10-03, 17-11-03, 2-2-2004, 2-4-04, 29-5-04, 4-9-04, 5-3-2005, 23-5-05, 6-4-05, 30-3-2007, 9-4-2007, and the case was adjourned for several times and finally heard on 16-6-2007. Both the Revision Petitioners and his counsel were absent.

4. Government after examining the material document available on record found that:
- Special Deputy Tahasildar (TW), Gangavaram in his report dt:30-8-1997 found that Sri Nunnagoppula Seetharamayya was enjoying the land under dispute in Sy.No.22 measuring Acres 3.00 at Mollelu (V) of Gamagavaram Mandal and LTR proceedings were initiated by Special Deputy Collector (TW), Rampachodavaram in LTR No.278/97. N.Katamaswamy i.e. petitioner No.3 of this Revision Petition and son of Seetharamayya appeared in the Special Deputy Collector (TW) court on 23-11-1998 and filed petition to allow him as R2 as his father Seetharamayya i.e. respondent No.1 was died. Accordingly, he was allowed as R2 and for all subsequent hearings, he was continuously absent.
 - According to adangal for 1405 F (1995), Sri Kancham Thammudu, Talari Chellarao, Suranna Katamayya and Lakshmanaswamy, non-tribals are Settlement Pattedars.
 - Petitioners of the Revision Petition filed to produce documentary evidence in support of their claim in the lower courts and hence the lower courts i.e. Special Deputy Collector (TW), Rampachodavaram and Agent to Government, East Godavari District at Kakinada held that the transfer of land was taken place after 3-2-1970 which is prohibited by the Land Transfer Regulation 1/70.
 - The contention of the petitioner in the appellate court i.e. Agent to Government, East Godavari, that the land was purchased through sada sale deed dt:22-4-1969 is only an after-thought and invented to counter orders of Special Deputy Collector (TW), Rampachodavaram, as the said sada sale deed was never presented before the Special Deputy Collector (TW), Rampachodavaram.
 - Moreover, the Hon'ble High Court of Andhra Pradesh in CRP No.1087/96, dt:10-8-1998 in Bangaru Rama Thulisamma Vs Yada Mastan Reddy held that unstamped and unregistered sale deeds cannot be taken as an evidence of proof according to Section 17 B of Registration Act.
5. Government after careful examination of the case records finds no reason to interfere with the orders of the Agent to Government, East Godavari, Kakinada in CMA No.23/99 dt:28-7-2001 and accordingly dismiss the Revision Petition. The stay granted by the Hon'ble High Court of Andhra Pradesh in W.P No.19436/2002 dated:4-10-2002 shall become inoperative.
6. The Collector, East Godavari / Agent to Government, East Godavari is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,
Prl. Secretary to Government.

To

The Collector, East Godavari District.

(with RPAD of the following records)

- CMA No.23/99 NF 4 pages and CF 48, total 52 only.
- LTRP No.278/97 pp 1-34 only.

The Agent to Government, Kakinada, East Godavari.

The Special Deputy Collector (TW), Rampachodavaram, East Godavari.

The Special Deputy Tahasildar, Gangavaram (M), East Godavari.

The Mandal Revenue Officer, Gangavaram (M), East Godavari District.

Sri K.L.N. Swamy, Advocate,

304, Central View Complex, New Boiguda, Secunderabad.

Sri N. Suredu S/o N. Seetharamayya,

R/o Molleru (V) Gangavaram (M), East Godavari District.

Sri N.Katama Swamy S/o N. Seetharamayya,

R/o Molleru (V) Gangavaram (M), East Godavari District.

Sri N. Papa Rao S/o N. Seetharamayya,

R/o Molleru (V) Gangavaram (M), East Godavari District.

Sri. N.Yesu S/o N. Seetharamayya,

R/o Molleru (V) Gangavaram (M), East Godavari District.

Copy to the P.S to M (TW&RAID).

SF / SC

// FORWARDED BY ORDER //

SECTION OFFICER